REMARKS

Applicants request the previously submitted Amendment After Final filed on February 17, 2004 not be entered.

The claims have been amended without adding new matter in order to correct minor informalities and to address other issues raised by the Examiner. Claim 1 has been amended, and new claims 19-32 have been added. Claims 7-18 have been cancelled. Twenty claims remain pending in the application: Claims 1-6, and 19-32. Reconsideration of pending claims in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (805)781-2865 so that such issues may be resolved as expeditiously as possible.

1. Information Disclosure Statements

Applicants have submitted Information Disclosure Statements (IDS) on November 12, 2003, November 17, 2003, January 2, 2004, and January 5, 2004. Applicants respectfully request that the references cited in these IDSs be considered.

Turning to the specific objections and rejections:

2. Claims 1, 2, 5-8, 11-14, 17 and 18 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,802,294 (Ludwig et al.) in view of U.S. Patent No. 5,920,694 (Carleton et al.). Amended claim 1, however, recites claim limitations not taught by the combination of Ludwig and Carleton, and further, Ludwig and Carleton teach away from the method of claim 1. Therefore, claim 1 is not obvious over the applied references and Applicants respectfully request the rejection be withdrawn.

More specifically, claim 1 as amended recites in part:

(a) receiving a request utilizing a network for viewing an event;

(b) queuing the request in memory;

(c) creating an object in response to the request, the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal; and

(d) sending the object to one of the client apparatuses utilizing the network for being stored therein;

wherein the event is not communicated over the network in real-time during the playback of the event such that network bandwidth use is limited.

As such, claim 1 provides for a method of generating an object for the playing back of an event where the event is not communicated over the network in real-time during playback and limiting the use of network bandwidth.

The Ludwig reference teaches directly away from the method as recited in claim 1. Specifically, the Ludwig reference describes a system for providing "real-time" multimedia communication over a network. As described in the Background of the subject application, "it is very difficult to simultaneously multicast multimedia material [in real-time] due to bandwidth restraints." (Specification as filed, pg. 7, lines 11-12). Claim 1 avoids these restraints by limiting the use of network bandwidth by not communicating the event for playback in real-time communications.

Ludwig fails to teach that the event is not communicated over the network during playback. Ludwig provides for real-time conference calls. Therefore, Ludwig has to communicate the event over the network during the playback otherwise a conference call cannot take place.

The Examiner indicates in the subject office action that Ludwig does describe limiting the amount of real-time communication, citing column 38, lines 50-65. Alternatively, Applicants respectfully submit, that Ludwig fails to teach not communication the event "over the network in real-time during the playback of the event such that network bandwidth use is limited" as recited in claim 1. Applicants further respectfully submit that Ludwig at column 38, lines 50-65 specifically teaches the complete opposite of limiting the amount of bandwidth used. Instead Ludwig at column 38, lines 50-65 specifically describe maximizing the use of available

bandwidth. More specifically, column 38, lines 50-65 describe laptops having reduced available bandwidths compared with wired devices. As such, Ludwig prescribes limiting the data that is communicated while still maximizing the use of the reduced laptop bandwidth to allow laptops to be used to receive at least a portion of the multimedia event communicated in real-time. Therefore, the Ludwig patent teaches away from limiting the use of bandwidth as recited in claim 1, and instead teaches maximizing the use of available bandwidth.

Further, the Ludwig patent communicates the event in real-time, which is directly opposite to the method as recited in claim 1. Specifically, claim 1 provides that the event is not communicated during the playback of the event. The entire premise of the Ludwig patent is the real-time teleconferencing such that multiple participates can send and receive the teleconference event in real-time. This goes directly against the method of claim 1. Therefore, the Ludwig patent teaches away from the method as claimed, and thus claim 1 is not obvious over Ludwig.

The Carleton reference also fails to teach not communicating the event over the network during the playback of the event. Alternatively, Carleton also describes a system for teleconferencing which requires the communication of the event in real-time during the playback. Therefore, the Carleton reference specifically teaches away from the method as recited in claim 1.

The combination of the Ludwig and Carleton references fail to teach or make obvious the method of claim 1, and alternatively teach away from the method as claimed. Therefore, claim 1 is not obvious over the combination of the Ludwig and Carleton references. Further, claims 2-6 depend from claim 1 and are also not obvious for at least the reasons provided above for claim 1.

Further, the Ludwig patent does not teach or make obvious "creating an object in response to the request, the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal" as recited in claim 1. The Examiner cites column 19, lines 31-33 of Ludwig and the set up of data structures, where Ludwig recites "[I]nitiator then communicates with the AVNM ... to set up the necessary data structures and manage the various states of that

call...." However, the "data structures" are not "adapted to playback the event" as recited in claim 1. Alternatively, the "set up data structures" of Ludwig establish port-to-port connections between clients of the real-time video conference, and not the "playback [of] the event" as recited in claim 1.

More specifically, the Ludwig reference further describes the port-to-port connection established by the "data structures" at column 22, lines 45-53. Specifically, Ludwig describes the AVNM as managing "switches in the A/V Switching Circuitry 30 in FIG. 3 to provide port-to-port connections in response to connection requests from clients. The primary data structure used by the AVNM for managing these connections will be referred to as a callhandle, which is comprised of a plurality of bits, including state bits. Each port-to-port connection managed by the AVNM comprises two callhandles...." (Emphasis added). Therefore, the "data structures" are not equivalent to the "object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal" as recited in claim 1. Further, it would not be obvious in view of Ludwig to provide and "object" as recited in claim 1. The object provides playback of the event that is not communicated in real-time. The Ludwig reference alternatively provides real-time communication, and the data structures of Ludwig simply establish real-time connections, and do not provide playback of an event. Therefore, the Ludwig reference does not teach or make obvious the method of claim 1.

The Carleton reference also fails to teach or suggest the "creating [of] an object in response to the request, the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal" as recited in claim 1. Therefore, the combination of the Ludwig and Carleton reference fail to teach or make obvious the method of claim 1.

New independent claim 22 also is not taught or obvious in view of the applied references. More specifically, claim 22 recites in part:

> receiving a request utilizing a network for viewing an event;
> determining if the request is received prior to a threshold period;
> queuing the request in memory;

creating an object in response to the request if the request is received prior to the threshold period ....

The applied Ludwig and Carleton references fail to suggest at least "determining if a request is received prior to a threshold period" or "creating an object ... if the request is received prior to the threshold." Alternatively, the Ludwig and Carleton references simply establish real-time connections for user capable of participating in the real-time conference call. The Roberts patent allows any user to access and synchronize upon access to the web site. There is no threshold period or the suggestion of a threshold period. Therefore, claim 22 is not anticipated or obvious over the applied references, and thus claim 22 and the claims that depend from claim 22 are in condition for allowance.

New claim 30 is also not taught by the Ludwig or Carlton references. More specifically, claim 30 recites in part:

creating an object in response to the request if the request is received prior to the threshold period ...;
generating the activation signal; and
sending the activation signal to the client apparatuses causing an initiation of playback of the event stored on the client apparatuses.

The Ludwig and the Carlton reference fail to teach or suggest generating an object adapted to playback the event and generating an activation signal that initiates the playback of the event stored on the client apparatus. Alternatively, Ludwig provides synchronization of real-time audio/video data and/or streaming content forwarded from a server. Neither Ludwig nor Carlton provides an object adapted to playback an event and an activation signal initiating playback of the locally stored event. Therefore, claim 30 is not obvious over the applied references.

3. Dependent Claims

Further, pending claims 2 and 5-6 have also been rejected as obvious over the combination of Ludwig and Carleton. However, it has been shown above that the combination of these applied reference fail to teach or make obvious the method of claim 1. Therefore, these dependent claims are also not obvious for at least the reasons provided above.

Claims 2-6, 19-21 and 29 depend from claim 1, claims 23-28 depend from claim 22, and claims 31-32 depend from claim 30. The dependent claims are also not obvious over the applied references for at least the reasons provided above distinguishing independent claims 1, 22 and 20 over the applied references.

4. Canceled claims

Claims 7-18 have been cancelled. These claims have not been cancelled to over come objections. These claims are also not anticipated or obvious over the applied references for at least the reasons provided above.

Fees Due

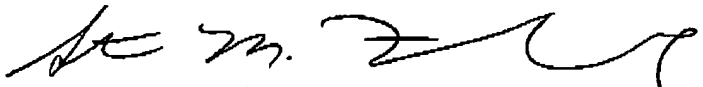
The following response to the final office action is being submitted with a Request for Continued Examination (RCE) and a Petition for an Extension of time for three months. As such, Applicants have authorized the withdrawal of an RCE fee and the three month extension fee from the Deposit Account indicated in on the Fee Transmittal submitted herewith.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: May 14, 2004

Respectfully submitted,



Steven M. Freeland
Reg. No. 42,555
Attorney for Applicant(s)

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603
(805) 781-2865